

Internet Disclosure Rules Contradict Critics' Concerns
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Little noticed during the highly-charged debate on the FCC's decision to roll-back net[work] neutrality regulations, the FCC's revised Transparency Rule requires Internet service providers (ISPs) to publicly disclose their Internet practices. Such public disclosure promotes competition amongst ISPs and ensures consumers, entrepreneurs, as well as large and small businesses have the information needed to make informed choices about purchasing and using Internet services. If public disclosure is good for political practices, it is good for the Internet too.

Specifically, the FCC's Transparency Rule, effective June 11, 2018, requires ISPs to publicly disclose their network management practices, performance characteristics, and commercial terms of broadband Internet access services on an easily accessible website or by submitting that information to the FCC for posting on its website. The required disclosures include, but are not limited to, policies regarding blocking or throttling Internet traffic, congestion management, price and privacy policies.

Here is what the FCC's Transparency Rule says:

Any person providing broadband internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband internet access services sufficient to enable consumers to make informed choices regarding the purchase and use of such services and entrepreneurs and other small businesses to develop, market, and maintain internet offerings. Such disclosure shall be made via a publicly available, easily accessible website or through transmittal to the Commission.

[D]isclosure increases the likelihood that ISPs will abide by open Internet principles by reducing the incentives and ability to violate those principles, that the Internet community will identify problematic conduct, and that those affected by such conduct will be in a position to make informed competitive choices or seek available remedies for anticompetitive, unfair, or deceptive practices. Transparency thereby "increases the likelihood that harmful practices will not occur in the first place and that, if they do, they will be quickly remedied." (<https://www.federalregister.gov/d/2018-03464/p-203>)

The FCC's *Restoring Internet Freedom Order* has been in place since June, and the sky hasn't fallen. In fact, while critics frequently malign the *Order*, they overlook the significant improvements to public disclosure in the *Order*—improvements to

transparency that individuals on both ends of the political spectrum frequently cite as critical to good governance.

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